

April 27, 2015
Six o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, April 27, 2015, was called to order at 6:00 p.m. by the honorable Mayor JOE A. SMITH.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderman MAURICE TAYLOR was absent. Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present.

The invocation and pledge of allegiance were led by Alderwoman Robinson.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting and Special Call meeting scheduled for Monday, April 20, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith commended members of the North Little Rock High School Basketball Team coaches and team members for winning the State Basketball Championship for the third year in a row. Each player and the coaches were invited to come forward. Mayor Smith presented each with a proclamation. (Kevaughn Allen, Ishun Bryant, Kambrion Dickerson, Deion Dobbins, Des Duckworth, Sam Dunkum, K. J. Hill, Adrian Moore, Dylan Morgan, Jarvis Ricks, Morris Talbert, J. T. Taylor, Taleh Wade, B. J. Walker, Coach Wes Bilon, Coah Nathan Clayborn, and Coach Johnhny Rice. Each player had their photograph made with Mayor Smith.

Alderman Taylor entered the council chambers at 6:05 p.m.

On the blanket motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present communications #1, 2, 3, 4, and 5 were accepted and filed (8/0).

1. Karen Scott, Finance Director, list of Liens collected from Pulaski County Treasurer.
2. Travis Barton, Petition requesting Speed Hump on Flintrock Road (*7 signatures for*).
3. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Replacement from Emma Gist, for Chief's Café*, 6708 Hwy 161 N., by Sheila A. Yekel. (*note: address outside city limits*)
4. C. Jason Carter, City Attorney letter to Mayor and City Council re: Mobile Food Truck research, regulations and procedures.

5. Junction Bridge Board members letter to Mayor Smith and City Council re: commending Mary Beth Bowman for services provided to the board.

Mayor Smith announced a public hearing scheduled this date regarding O-15-28 – Mobile Food Trucks. Mr. Allen Engstrom was born and raised in North Little Rock. He owns CFO Network and has 25 employees. He plans to increase those numbers by 20 soon. As a business owner he wants to create and recruit top talent. He polled employees on this issue and all were in favor of allowing food trucks to operate in North Little Rock. Currently, the majority of his employees either bring their lunch or go out for fast food at lunch. Food trucks would bring in more tax dollars to the city. Ms. Donna Hardcastle said she appreciated the council reconsidering this legislation. She has talked to several mobile food truck vendors who have said it is too hard to do business in North Little Rock. A lot of food truck operators have opened brick and mortar locations in Little Rock. Food trucks are a hot item around the country. Restaurants are not always able to meet the needs of events. Food trucks would be a good substitute. She recommended changing the (application) requirements to match those of Little Rock, Conway and other cities. Specifically, require a valid business license from any city in the state, a North Little Rock Advertising and Promotion (A&P) Permit number and display a current State Health Inspection. Mr. Kent Walker said Food Trucks create a vibe and energy which improves the city. They have brought people into downtown Little Rock which has helped with development. He agreed with Mrs. Hardcastle and said North Little Rock should mirror other city requirements. He suggested seeking help from Metroplan regarding regulations, etc. If North Little Rock continues to be difficult the food trucks will go to other cities. Mr. Jeremy Rhodes agreed with the previous speakers and said simplifying the process will help. There being no one else who signed in to speak on this item, Mayor Smith adjourned the public hearing.

Mayor Smith announced citizen public comment on legislation. Mrs. Shannon Armand, President Stone Links Neighborhood Association spoke against O-15-31. She submitted a petition signed by several residents before the meeting convened. The majority of the residents do not want a mobile home across from their property. These properties are located on a main roadway. There needs to be standards and regulations. She asked that the council deny the request.

UNFINISHED BUSINESS

O-15-28

AN ORDINANCE AMENDING SECTION 74-51 OF CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO CLARIFY AND SIMPLIFY REGULATIONS FOR MOBILE FOOD VENDORS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times, April 13, 2015, was read a third and final time. Mr. Carter reviewed information he researched and provided to council members prior to the meeting. Fire inspections are common in larger cities around the United States and may have resulted due to previous accidents involving propane tanks. Many cities also require a Liability Insurance Policy with the city listed as an additional insurer. Some cities exclude dining areas while others do not. Location seems to have some zoning implications.

Alderman Hight asked about the check list included on the application. Mrs. Katelyn Thomas, Deputy City Clerk said the Fire Inspection is a requirement under the application. Mr. Carter said this legislation would remove that requirement and liability insurance policy limits. Mayor Smith said this legislation requires registering (for a Special Event) and obtaining an A&P Permit. Alderman Hight said he has talked with Mayor Smith about removing the Event Application requirement. The mayor's office could provide approval under certain circumstances (properties not zoned commercial or industrial). Alderwoman Ross said Alderwoman White put in a lot of time and research before the previous food truck legislation was adopted. During that process she spoke with the City's Fire Marshal who recommended the fire inspections. Alderman Witcher read language regarding fire and plumbing inspections. He also mentioned several licenses required for mobile food trucks, including business licenses, three for state (including) health inspection, county license, and federal government). Alderwoman Ross said brick and mortar locations are inspected annually. Alderwoman White referenced the original food truck ordinance and said safety needs to continue to be considered. Alderman Foutch referenced section 74-51 pertaining to Special Events and requirements regarding the same. A motion to amend was made by Alderman Foutch and seconded by Alderman Taylor to delete Sec. 74-51 1. a. i. ii. And renumber b. to a. Alderwoman Ross suggested brick and mortar restaurant owners, food truck owners and the A&P Commission get together and discuss this, then provide a report to the council. Other cities around the country have designated food truck areas. Alderman Hight said the City of Little Rock uses zoning to regulate the location (of food trucks). If events only is removed then someone still has to approve where the trucks can go under North Little Rock zoning. Mayor Smith summarized the intent was to: remove Special Events requirements, remove insurance requirement and remove annual fire inspection. Alderman Hight said the pending amendment would allow trucks in C-1 and I-1 zones. If someone wanted to have a food truck at a private event they would have to have permission from the property owner. Mayor Smith said an event is coming up soon. He will hold the legislation if the council is okay with him issuing an Executive Order regarding the upcoming event. Alderman Foutch withdrew his motion to amend and Alderman Taylor withdrew his second. Mayor Smith suggested a group to meet and work through this. Alderman Witcher works in an Industrial area in Little Rock. It is common to see food trucks in those areas. Alderman Hight, Alderwoman White, Mrs. Hardcastle, Mr. Rhodes, Mrs. Thomas, and Mr. Bob Major, A&P Commission will serve on the committee. The committee should also include a food truck owner and a restaurant owner. Alderman Hight will chair the committee. Mayor Smith then held the legislation. Mayor Smith told Mrs. Hardcastle to bring in whoever she wanted to the upcoming event. Alderwoman Ross asked if will still need an A&P Permit and Health Inspection and it was agreed they would.

CONSENT AGENDA

On the motion of Alderwoman Ross and seconded by Alderman Witcher and by consent of all members present, consent items R-15-62, R-15-63, and R-15-64 were adopted (8/0). Mayor Smith said Ms. Brewer was not present but will do a great job on the commission. He also thanked Mrs. Lindsey who is retiring from the commission has provided her services to the city for some time.

R-15-62 (RESOLUTION NO. 8789 – MAYOR SMITH)

A RESOLUTION APPOINTING JOYCE BREWER TO THE POSITION PREVIOUSLY HELD BY SHIRLEY LINDSEY ON THE NORTH LITTLE ROCK LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-15-63 (RESOLUTION NO. 8790 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED BOATS, AND CERTAIN ACCESSORIES RELATED THERETO, AS SUPRLUS; PROVIDING AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (8/0).

R-15-64 (RESOLUTION NO. 8791 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED COMPUTER WORKSTATIONS, MONITORS, PRINTERS AND OTHER COMPUTER EQUIOPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

O-15-31

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A MOBILE HOME IN AN R-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 14024 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderwoman Ross said Ms. Armand referenced a petition she turned in this date and asked how many signatures were on it. Mrs. Marshall said there were 16 names on the petition. On the motion of Alderman Taylor and seconded by Alderman Baxter, and the roll having been called, and all members present, having voted no, the motion to adopt failed (0/8).

O-15-32 (ORDINANCE NO. 8729 – ALDERMAN HIGHT)

AN ORDINANCE ACCEPTING STREETS, ALLEYS, SIDEWALKS AND DRAINAGE INFRASTRUCTURE WITHIN NORTHBROOK SUBDIVISION PHASE ONE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Basil D. Shoptaw, P.E.*)

O-15-33 (ORDINANCE NO. 8730 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A BEAUTY SCHOOL IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10401 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Baxter and seconded by Alderman Foutch, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Amos Enderlin*)

O-15-34 (ORDINANCE NO. 8731 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR REPAIR BUSINESS IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1001 FERRY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, the readings were suspended (8/0). Alderwoman Robinson requested hours of operation be added under conditions. Mr. Brooks McRae, the applicant said did not have a problem with the request and asked if they could operate until 10:00 p.m. Alderman Hight recalled legislation regarding when businesses could operate. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross and by consent of all members present, the ordinance was amended as follows:: *add new subsection* THE BUSINESS SHALL NOT OPERATE BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. (8/0). On the motion of Alderman Witcher, and seconded by Alderman Baxter, and by consent of all members present, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Brooks McRae*)

PUBLIC COMMENT

Ms. Vicki Olsen emailed council members regarding her objection to Breed Specific laws in North Little Rock. She detailed her family history in the city. A few months ago she convinced her son to move here to assist her. He relocated with his cat Johnny and dog Daisy. She said the current law is depriving her of her companion Daisy. Last Friday, Animal Control came to her home with a warrant to remove their dog. Her dog has been spayed and stayed indoors. Ms. Olsen said the city ordinance violates her rights under the 14th Amendment. She is prepared to take legal action. Ms. Olsen said breed specific laws do not make a safer community. North Little Rock already has a vicious dog ordinance they can enforce. She also referenced a recent pit bull attack in Pine Bluff where there is a specific pit bull ban in place. Ms. Olsen said the current ordinance bans pit bulls, however there is no specific pit bull breed. She then said President Barak Obama spoke out against breed specific legislation. She asked that the breed specific legislation be repealed. She has to take the dog back to Austin, Texas so she will not be euthanized. She is planning to move out of the city so she can have

her dog at her home. She added there are 15 states that specifically prohibit breed specific legislation at the local level. Ms. Armand said the Board of Education is looking at boundary lines in her area. They want to be a part of North Little Rock. There are upcoming meetings in this regard. She asked for the city's support. Ms. Olsen spoke again and advised that the City of Little Rock does not ban pit bulls. They do have restrictions.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the meeting was adjourned at 7:05 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, May 11, 2015, at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: _____
MAYOR JOE A. SMITH

ATTEST: _____
DIANE WHITBEY, CITY CLERK